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Attorney for Defendant
DANIEL MARTINEZ SANDOVAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | No. Cr. F 02-5094 LJO |
| |) | |
| Plaintiff, |) | STIPULATED MOTION TO REDUCE |
| |) | SENTENCE PURSUANT TO 18 U.S.C. |
| v. |) | \$ 3582(c)(2); [lodged] ORDER |
| |) | |
| DANIEL MARTINEZ SANDOVAL, |) | <u>RETROACTIVE CRACK COCAINE</u> |
| |) | <u>REDUCTION CASE</u> |
| Defendant. |) | |
| |) | |
| _____ |) | |

Defendant, DANIEL MARTINEZ SANDOVAL, by and through his attorney,
Assistant Federal Defender David M. Porter, and plaintiff, UNITED
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
KATHLEEN ANNE SERVATIUS, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the
term of imprisonment in the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant to 28
U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Sandoval was
subsequently lowered by the United States Sentencing Commission in
Amendment 706 by two levels;

3. Accordingly, Mr. Sandoval's adjusted offense level has been reduced from 29 to 27, and an appropriate sentence within the new applicable guideline range would be 138 months;

4. Mr. Sandoval merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Sandoval's positive post-sentencing conduct;

5. Accordingly, the parties request the court to enter the order lodged herewith reducing Mr. Sandoval's term of imprisonment to an aggregate term of 138 months, to be comprised of a term of 46 months on each of counts one, two, and three, to be served consecutively.

Dated: May 14, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Kathleen Anne Servatius
KATHLEEN ANNE SERVATIUS
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
DANIEL MARTINEZ SANDOVAL

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Sandoval is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the total offense level from 29 to 27, and an appropriate sentence within the new applicable guideline range would be 138 months.

IT IS HEREBY ORDERED that the term of imprisonment originally STIPULATED MOTION and ORDER TO REDUCE SENTENCE

1 imposed is reduced to an aggregate term of 138 months, to be comprised
2 of a term of 46 months on each of counts one, two, and three, to be
3 served consecutively.

4 IT IS FURTHER ORDERED that all other terms and provisions of the
5 original judgment remain in effect.

6 Unless otherwise ordered, Mr. Sandoval shall report to the United
7 States Probation office closest to the release destination within
8 seventy-two hours after his release.

9 IT IS SO ORDERED.

10 **Dated: May 15, 2008**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE